



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,266	06/23/2003	Jeffery M. Enright	D-1112 R2 DIV	7160
28995	7590	06/19/2006	EXAMINER	
RALPH E. JOCKE walker & jockey LPA 231 SOUTH BROADWAY MEDINA, OH 44256				RAO, ANAND SHASHIKANT
		ART UNIT		PAPER NUMBER
		2621		

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JUN 19 2006

Technology Center 2600

Application Number: 10/603,266
Filing Date: June 23, 2003
Appellant(s): ENRIGHT ET AL.

Ralph E. Jocke (#31,029)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 1/12/06 appealing from the Office action mailed on 8/17/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

There are no related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,897,625	Gustin et al.	9-1999
6,209,095	Anderson et al.	3-2001
5,860,068	Cook	1-1999

(9) Grounds of Rejection

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 1, 68-70, and 72-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al., (hereinafter referred to as "Gustin") in view of Anderson et al., (hereinafter referred to as "Anderson").

Regarding claim independent claim 1, Gustin discloses a method comprising the steps of: receiving a check into an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 36-47: cash check screen), the automated

banking machine including a cash dispenser (Gustin: column 11, lines 34-48: cash dispenser bin); capturing an image (Gustin: column 12, lines 50-55: imaging station) including indicia on the check through the operation of an imaging device in the machine (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.); operating at least one computer in operative connection with the imaging device to produce a document corresponding to the indicia on the check (Gustin: column 8, lines 57-67; column 9, lines 1-8), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-24) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and signature fields) that is generated as a confirmation means to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't not explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-21) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-45: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) for verification purposes in electronic transactions across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) to ensure verification for the electronic transactions across

the internet (Anderson: column 18, lines 10-25). The Gustin method, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 1.

Regarding claim 68, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has receiving at least one user input through at least one input device on the automated banking machine from a user from whom the check is received (Gustin: column 8, lines 60-67: "touch screen"); and correlating transaction data (Gustin: column 12, lines 55-67: "transaction amount") corresponding to the at least one user input with the at least one markup language document (Anderson: column 19, lines 15-45: FSML tag structure) through operation of the at least one computer as in the claim (Anderson: column 9, lines 1-10), as in the claim.

Regarding claim 69, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has storing the at least one markup language document (Anderson: column 19, lines 15-45: FSML tag structure) and the transaction data in at least one data store in the banking matching through operation of the at least one computer (Gustin: column 9, lines 5-10: "hard drive" for storage), as in the claim.

Regarding claim 70, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has communicating the at least one markup language document from the automated banking machine responsive to operation of the at least one server component (Gustin: column 13, lines 50-55), as in the claim.

Regarding claim 72, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has including authenticating information in the at least one

markup language document (Gustin: column 13, lines 40-45: signature verification), as in the claim.

Regarding claim 73, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has causing the cash dispenser to operate responsive to operation of the at least one computer (Gustin: column 11, lines 34-38; cash dispenser bin), as in the claim.

Regarding claims 74-75, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has operating a terminal remote from the automated banking machine, to receive the at least one markup language document (Gustin: column 13, lines 39-55: transmission to the banking network would including a remote terminal), as in the claims.

Regarding claims 76, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has the terminal including a browser component (Anderson: column 18, lines 35-40: well known web browsers such as Netscape or MS Explorer), and further comprising processing the at least one markup language document responsive to operation of the browser component (Anderson: column 18, lines 60-67), as in the claim.

Regarding claims 77-78, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has analyzing the image data (Gustin: column 13, lines 35-40: signature line, courtesy amount) recognition through the operation of the terminal computer (Gustin: column 13, lines 23-25: image recognition software), as in the claims.

Regarding claims 79-80, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has wherein the computer (Gustin: column 9, lines 1-10) comprises at least one server component (Anderson: column 18, lines 30-32), and further discloses communication the transaction data and the at least one markup language document

Art Unit: 2621

from the automated banking machine responsive to the operation of the at least one server component (Gustin: column 13, lines 39-55), as in the claims.

Regarding claims 81-82, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has searching the terminal data for at least one selected parameter responsive to at least one input to at least one terminal input device (Gustin: column 12, lines 55-67), as in the claims.

Regarding claims 83-84, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has providing a visual representation of the indicia on the check through the output device (Gustin: column 12, lines 30-45: display for showing an unsigned portion of the back of the check), as in the claims.

Regarding claim 85, the Gustin method, now incorporating Anderson's FSML for generating tagged documents, has communicating at least a portion of the terminal data from the terminal responsive to operation of the terminal server (Gustin: column 13, lines 49-56), as in the claim.

Regarding claim independent claim 86, Gustin discloses an apparatus of: an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 10-35: check deposit screen; column 16, lines 35-47: cash check screen) including at least one user input device (Gustin: column 9, lines 30-40: keypad), a cash dispenser (Gustin: column 11, lines 35-40: cash dispenser bin); a document imaging device (Gustin: column 12, lines 49-56: imaging station) and at least one computer in operative connection with the at least one user input device, cash dispenser, and document imaging device (Gustin: column 8, lines 57-67; column 9, lines 1-8) wherein the at least one computer is selectively operative to user inputs to the at least one input device to cause

the cash dispenser to dispense cash from the machine (Gustin: column 11, lines 20-45) and to cause at least one image of a check to be captured through operation of the document imaging device to produce a document corresponding to at least a portion of the at least one image (Gustin: column 8, lines 57-67; column 9, lines 1-8), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-34) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and signature fields) that is generated as a confirmation means to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't not explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-22) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-35: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-37) for verification purposes in electronic transactions across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-37) to ensure verification for the electronic transactions across the internet. The Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 86.

Regarding claim independent claim 87, Gustin discloses an apparatus of: a check analysis terminal (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen), wherein the terminal includes at least one computer (Gustin: column 8, lines 57-67; column 9, lines 1-8) and at least one user input device (Gustin: column 9, lines 30-40: keypad), wherein the terminal includes at least one display device (Gustin: column 9, lines 10-15), at least one data store (Gustin: column 8, lines 57-67; column 9, lines 1-8: hard drive), wherein the at least one data store includes check transaction data (Gustin: column 13, lines 30-35) corresponding to at least one image captured of at least a portion of a check (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.) during a check receiving transaction (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit; column 16, lines 35-47) at a cash dispensing automated banking machine (Gustin: column 8, lines 35-40), wherein the at least one data store is in operative connection with the computer (Gustin: column 8, lines 57-67; column 9, lines 1-8), wherein the at least one computer is operative to receive additional check transaction data (Gustin: column 13, lines 40-50), wherein the at least one computer is operative to cause received check transaction data to be stored in the data store (Gustin: column 8, lines 57-67; column 9, lines 1-8: hard drive), and wherein the at least one computer is operative responsive to at least one input to the least one input device to cause a visual representation corresponding to stored check transaction data to be output through the at least one display device (Gustin: column 13 lines 55-67; column 14, lines 1-12), as in the claim. However, even though Gustin discloses that the document is a tagged file document (Gustin: column 13, lines 19-24) including image fields of the check (Gustin: column 13, lines 19-39: courtesy amount and signature fields) that is generated as a confirmation means

to send over the banking network (Gustin: column 13, lines 39-55), Gustin doesn't explicitly disclose that the document produced is specifically a markup language as in the claim. Anderson discloses that it is known to use a markup language to identify (Anderson: column 18, lines 26-67; column 19, lines 1-4) and generate financial markup language documents (Anderson: column 19, lines 1-21) in order to provide a tagged structures of checks (Anderson: column 19, lines 15-45: FSML tag structure) in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) for verification purposes in electronic transactions across the internet (Anderson: column 18, lines 10-25). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to incorporate the Anderson teaching of using the disclosure of a financial services mark-up language to generate the tagged files of the Gustin scanned checks in order to implement a conventional well known web browser procedure (Anderson: column 18, lines 34-47) to ensure verification for the electronic transactions across the internet (Anderson: column 18, lines 10-25). The Gustin method, now incorporating Anderson's FSML for generating tagged documents, has all of the features of claim 87.

Regarding claim 88, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has an automated banking machine (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen) includes a cash dispenser operative to cause cash dispensing (Gustin: column 11, lines 34-48: cash dispenser bin), wherein the automated banking machine is operative to receive at least one check (Gustin: figures 9A, 16A-16H; column 12, lines 9-36: check deposit screen; column 16, lines 35-47: cash check screen), wherein the automated banking machine includes an imaging device operative to capture during a check receiving transaction at least one image of at least a portion

Art Unit: 2621

of a check (Gustin: column 12, lines 49-56: imaging station), wherein the at least one computer (Gustin: column 8, lines 57-67; column 9, lines 1-8) is operative to produce at least one markup language document (Anderson: column 18, lines 26-67; column 19, lines 1-4) including check transaction data (Gustin: column 13, lines 30-35), wherein the check transaction data corresponds to the at least one image of at least a portion of a check (Gustin: column 13, lines 40-45: signature field), as in the claim.

Regarding claim 89, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has the visual representation includes at least one of a portion of a check (Gustin: column 12, lines 56-64: bank's identification number, checking account number, and etc.), as in the claim.

III. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al., (hereinafter referred to as "Gustin") in view of Anderson et al., (hereinafter referred to as "Anderson").

Regarding claim 71, the Gustin apparatus, now incorporating Anderson's FSML for generating tagged documents, has a majority of the features of claim 71, but fails to disclose the use of XML as the markup language. Cook discloses that XML is a similar markup language to HTML or SGML, both of which are discussed in the secondary reference in generating the FSML (Anderson: column 18, lines 30-40 and 60-68). Accordingly, given this teaching it would have been obvious for one of ordinary skill in the art to develop the Anderson FSML according the XML format since Cook discloses that XML is an ASCII extensible markup language similar to HTML and SGML and is also used to transfer files across the internet (Cook: column 6, lines 1-10). The Gustin apparatus, now incorporating Anderson's FSML for generating tagged

documents as based on Cook's discussion of XML as a mark-up language has all of the features of claim 71.

(10) Response to Argument

IV. Appellant's arguments filed on 1/12/06 with respect to claims 1 and 68-89 have been fully considered but they are not persuasive.

V. The Appellants eighteen arguments contending the Examiner's rejection of 1, 68-70, and 72-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al., (hereinafter referred to as "Gustin") in view of Anderson et al., (hereinafter referred to as "Anderson"), and one argument contending Examiner's rejection of 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al., (hereinafter referred to as "Gustin") in view of Anderson et al., (hereinafter referred to as "Anderson"). However, after a careful consideration of the numerous arguments, the Examiner must respectfully disagree for the reasons that follow, and submit to the Board that the rejections are proper and should be maintained.

After establishing the legal basis for the points of argument (Brief of 1/12/06: page 10, lines 1-20; page 11, lines 1-21; page 12, lines 1-13) and providing a synopsis of the Gustin reference (Brief of 1/12/06: page 12, lines 14-21; page 13, lines 1-20; page 14, lines -12), the Appellants argue that Gustin fails to disclose that a TIFF file "...is generated as confirmation means to send over the banking network..." (Brief of 1/12/06: page 14, lines 13-21; page 15, lines 1-2). The Examiner respectfully disagrees. Firstly, it is noted that the claim fails disclose how the markup document is used, and as such the whole "...is generated as confirmation means to send over the banking network..." limitation is baseless in claim 1. All that the claim requires

is that a markup document is formed which Gustin along with Anderson does. The Board should note that this mode of argument is a prevailing tactic which although detailed falls apart when one puts a magnifying glass to the limitations of the claims. This feature does not appear anywhere in the claim, *In re Self*, 671 F.2d 1344, 213 USPQ 1, 5 (CCPA 1982). Accordingly, the Examiner maintains that Gustin meets the limitations of the claims.

Another attempt to show Gustin's deficiencies versus the limitations as allegedly supported by claim 1, is the Appellant's argument that Gustin fails to address the "signature verification..." limitation of the claim (Brief of 1/12/06: page 15, lines 3-21; page 16, lines 1-5). The Examiner respectfully disagrees. Again, going to the limitations in the claim, the words "signature verification..." fail to appear anywhere in the claim, and as such, any discussion towards its merit shouldn't be given any weight, *In re Self*, 671 F.2d 1344, 213 USPQ 1, 5 (CCPA 1982). It is noted that the only words that are remotely close to that are "...indicia..." which is too broad to exclude things like account numbers, transaction amounts, check numbers, and the sort, which Gustin clearly addresses (Gustin: column 13, lines 25-30). Furthermore, it is duly noted that Gustin converts scanned indicia into a character string expressly for the purpose of "signature verification..." and further transmits such information to the bank for confirmation purposes (Gustin: column 13, lines 35-50). Accordingly, even if "indicia" as in the claim could be interpreted as signatures as argued, the Examiner notes that Gustin addresses this by the use recognized data fields on checks converted into character strings wherein said strings are used for signature verification. Image processing and file production of check fields on a check's printed side are considered "indicia..." based on the breadth of the claim. Accordingly, the

Art Unit: 2621

Examiner maintains that even if the “...signature verification...” limitation was supported in claim, which it is not, that the limitation is sufficiently addressed by Gustin.

So after thoroughly misrepresenting the claim against the applied Gustin reference, the Appellants now turn their attention to the secondary Anderson reference, and argue that Anderson fails to make up for Gustin’s deficiencies (Brief of 1/12/06: page 16, lines 2-6). The Examiner respectfully disagrees. In response to the Appellant’s piecemeal analysis of the Anderson reference, one cannot show non-obviousness by attacking the Anderson reference individually, where as here, the rejections are based on its combination with the Gustin reference, and since the Examiner has already shown that the Gustin reference meets the limitations, Anderson on its own doesn’t have to, as those limitations are met with its combination with Gustin, *In re Keller*, 208 USPQ 871 (CCPA 1981). As discussed above, the broadly recited step (c) of claim 1 is met by Gustin.

Furthermore, the Appellants argue that Anderson is non-analogous art and thus resists incorporation with Gustin since Anderson only uses electronic documentation, and fails to teach the use of “tangible paper checks...” as in Gustin (Brief of 1/12/06: page 16, lines 7-23; page 1-3). The Examiner respectfully disagrees. It is noted that Anderson discloses that the electronic documents are generated from scanned paper checks using check imaging means (Anderson: column 7, lines 40-50). These imaged checks are then converted to markup documents using Anderson’s FSML language (Anderson: column 18, lines 60-67; column 19, lines 1-20). Accordingly, the Examiner notes that since Anderson discloses scanning paper checks using check scanning means prior to markup language document generation, that it remains analogous art, *In re Antle*, 170 USPQ 285, 287 (CCPA 1971).

Additionally, the Appellants argue that Anderson's system is a manual system versus Gustin's automated teaching, and thus is not applicable (Brief of 1/12/06: page 17, lines 4-23; page 18, lines 1-2). The Examiner respectfully disagrees. Firstly, the Examiner notes that Anderson discloses using his teaching with an ATM and therefore even though it were executed on a personal computer, it would still be automated (Anderson: column 14, lines 25-40). Furthermore, even if Anderson's system was manual only, the Courts have long established that as a general principle, making something automated that was once manual is obvious and therefore considered unpatentable, *In re Venner*, 120 USPQ 192 (CCPA 1958). Accordingly, given this case law, even if Anderson's system were manual, one of ordinary skill in the art would have made the obvious modification to automate the Anderson system prior to its incorporation with Gustin since Gustin itself is automated. However, the Examiner notes that since Anderson does disclose the use of his computer based system with ATMs, that the system itself is "automated". Accordingly, the Examiner maintains the combination is proper.

Also, the Appellants argue that Anderson teaches away from Gustin and thus would not be combinable with Gustin since Anderson would destroy Gustin's ability to function as originally intended (Brief of 1/12/06: page 18, lines 3-26; page 19, lines 1-12). The Examiner respectfully disagrees. This appears to the Examiner as if the Appellants are merely grasping at straws, as case law has long well established that one reference does not necessarily have to be bodily incorporated into the other in order to for the references to be combinable, *In re Richman* 165 USPQ 509 (CCPA 1970). However, that being said, the Examiner must note that the Appellants are wrong on both counts of this argument. Firstly, the Appellants argue that since Anderson doesn't require a scanning device, it would not be combinable with Gustin (Brief of

1/12/06: page 18, lines 3-15). However, the Examiner notes that Anderson discloses the use of a checking scanning machine prior to electronic documentation (Anderson: column 7, lines 30-40), and so would be combinable with Gustin. Next, the Appellants assert that since Gustin fails to disclose transmitting any type of image file over the banking network (Brief of 1/12/06: page 18, lines 16-27; page 19, lines 1-11). It is noted that Gustin discloses does disclose transmitting character strings over the network wherein these strings are used for transaction verification (Gustin: column 13, lines 40-50). Accordingly, since Gustin discloses transmitting transaction information back to the bank across the network, one of ordinary skill in the art now using Andersons' teaching of formatting the transaction information into a markup language document would be compelled to transmit those markup language documents back to the banks across the network as shown by Gustin. Accordingly, the Examiner maintains that Anderson is readily combinable with Gustin as discussed above.

And lastly with regards to claim 1, the Appellants dust off that well-worn argument of the use of improper hindsight on the Examiner's part in cobbling together the purported current rejections (Brief of 1/12/06: page 19, lines 13-26; page 20, lines 1-14). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Prior to continuing on with the remaining arguments against the dependent claims, the Examiner must note that the even though arguments presented in support of claim 1 are quite thorough and exhaustive, they are based on deceptively superficial presentations of both references or at least a selective omission of parts of both references that would have clearly undermined the presented arguments. It is noted that were the Appellants would have spent more time on dissecting the total teachings of the applied references perhaps progress towards determining patentable subject matter could have been made. But, all the Examiner has to go on are easily refutable concepts of both Gustin and Anderson that clearly indicate the Examiner that the Appellants are clearly interested in ignoring the full teachings of both Anderson and Gustin in pursuing the currently recited claims towards prosecution before the Board. However, one of ordinary skill in the art and thus the Examiner and presumptively the Board are bound to duly consider all that applied references teach, *In re Boe*, 148 USPQ 507 (CCPA 1966).

Regarding claim 68, the Appellants erroneously assert that the references fail to assert the use of correlation of transaction data through the use of the computer (Brief of 1/12/06: page 20, lines 13-20). The Examiner respectfully disagrees. Firstly, Gustin discloses the use of a “personal computer...” as incorporated into the terminal (Gustin: column 8, lines 40-50), and Anderson discloses the use of his system implements a “...computer based method...” (Anderson: column 10, lines 35-40). So both references are computer based. Furthermore, contrary to the Appellants’ specious assertion, Anderson does disclose receiving a “...a tangible check...” from a user (Anderson: column 7, lines 40-50). Accordingly, the Examiner maintains that the limitations are met.

Regarding claim 69, the Appellants state that the references fail to disclose storing both a mark-up language document and transaction data at the banking machine (Brief of 1/12/06: page 20, lines 19-23; page 21, lines 1-5). The Examiner respectfully disagrees. It is noted that in the Examiner's combination, the Anderson markup documents would be replacing the Gustin character strings, and that those character strings are stored prior to sending. One of ordinary skill in the art would store the FSML markup language documents in the same manner as the character strings (Gustin: column 13, lines 40-50). Additionally, it is duly noted permitting transactions away from the terminal does not preclude storing markup language documents at the terminal. Accordingly, the Examiner asserts that the limitation is met.

Regarding claim 70, the Appellants assert that Gustin fails to disclose the use of a server as in the claims (Brief of 1/12/06: page 21, lines 8-13). The Examiner respectfully disagrees. It is noted that Gustin discloses the use of a "banking network..." and such a configuration would obviously include a server or two (Gustin: column 13, lines 43-57), especially since a "client-server network..." arrangement would have been an obvious network configuration. Furthermore, even if the Board finds that Gustin fails to support the "...server..." limitation, the Examiner notes that the secondary Anderson reference clearly does address the use of a server configuration that would be applicable to the broad claim (Anderson: column 22, lines 55-65). As such, the Examiner asserts that the limitation is met.

Regarding claim 72, the Appellants assert that Gustin fails to disclose the use of a computer for authenticating information in the markup language document (Brief of 1/12/06: page 21, lines 14-21). The Examiner respectfully disagrees. Firstly, it is noted that Gustin discloses the use of a computer at the ATM itself (Gustin: column 8, lines 40-50), so

authentication does occur using a computer. Additionally, it is noted that signature authentication is a well-known condition for account access and would be made note if a signature were rejected (Gustin: column 14, lines 1-5). While authentication occurs at the ATM, the banking network is clearly interested in the results verification. Accordingly, the Examiner maintains that the limitation is met.

Regarding claim 73, the Appellants asserts that Gustin fails to disclose the use of a computer for causing a cash dispenser to dispense cash (Brief of 1/12/06: page 21, lines 22-24). The Examiner respectfully disagrees. It is noted that Gustin discloses the use of a computer at the ATM itself (Gustin: column 8, lines 40-50), and further that the ATM itself is a cash dispenser (Gustin: column 10, lines 60-67; column 11, lines 1-8). Accordingly, the Examiner maintains that the limitation is met.

Regarding claim 74, the Appellants assert that in Gustin a remote terminal would not be needed nor would it necessarily included in the disclosed "...banking network..." (Brief of 1/12/06: page 22, lines 1-22). The Examiner respectfully disagrees. Since the bank network itself is distant from the transmitting ATM, the bank network reads on being "remote" from the ATM. Additionally, it is noted that a "network" inherently multiple units connected together aimed at a unified purpose, and thus anyone of on the units at the banking network reads on a "terminal" as in the claims. Additionally, Gustin already discloses that there are multiple ATMS connected to the banking network, and thus any one of those is also a "remote terminal" (Gustin: column 3, lines 30-40). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (Brief of 1/12/06: page 22, lines 19-21), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based

upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding claims 75-84, the Appellants argue that the associated features of claims are not performed by Gustin at a "...remote terminal..." as in the claims (Brief of 1/12/06: page 23, lines 1-20; page 24, lines 1-21; page 25, lines 1-19; page 26, lines 1-13). The Examiner respectfully disagrees. Since the bank network itself is distant from the transmitting ATM, the bank network reads on being "remote" from the ATM. Additionally, it is noted that a "network" inherently multiple units connected together aimed at a unified purpose, and thus anyone of on the units at the banking network reads on a "terminal" as in the claims. Additionally, Gustin already discloses that there are multiple ATMS connected to the banking network, and thus any one of those is also a "remote terminal" with each of those remote terminals having the same functionality of the one as disclosed in the primary reference (Gustin: column 3, lines 30-40). Additionally, even if the illogical assumption that Gustin teaches only the use of one ATM and one banking network at a time is used by one of ordinary skill in art as a starting point, the Courts have long held that producing duplicates for a multiplied effect is obvious, St Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8, 11 (7th Circuit 1977). As such, since all the incorporation of a remote terminal would be is a duplication of the disclosed ATM along with all of its functions, this would represent a multiplied effect over what is already discloses in Gustin, and thus would be obvious. Accordingly, the Examiner maintains that Gustin sufficiently addresses the "remote terminal..." feature of the claims.

Regarding claims 86-87, the Appellants fail to provide a set of separate arguments for this claim and appear to base these claims' patentability issues on those arguments discussed above for claim 1 (Brief of 1/12/06: page 26, lines 14-21; page 27, lines 1-21; page 28, lines 1-20; page 29, lines 1-19; page 30, lines 1-20; page 31, lines 1-2). Since those arguments have already refuted above, they will not be regurgitated here.

Regarding claim 88, the Appellants argue that Gustin fails to disclose needing a web-browser or the internet as in the claims (Brief of 1/12/06: page 31, lines 3-15). The Examiner respectfully disagrees. Since the ATMs are computer based, or more particularly constructed on a "personal computer" platform (Gustin: column 8, lines 45-55) including a Windows based operating system which obviously included a web-browser as a part of the software bundle. So it is merely conjecture on the Appellants part as to whether Gustin needs the capability or not, since the Examiner notes that under Windows 95, a web-browser was included in the application software. And concerning Anderson, the Examiner has already addressed the "tangible check" issue (Anderson: column 7, lines 40-50), and thus maintains that the secondary reference is combinable with Gustin.

Regarding claim 89, the Appellants argue that Gustin fails to disclose outputting a visual representation of a stored image of at least a portion of a check to a display device of a check analysis terminal (Brief of 1/12/06: page 31, lines 16-19). The Examiner respectfully disagrees. It is noted not only does Gustin disclose an output display (Gustin: column 8, lines 53-57), it also discloses the use of a touch screen input screen (Gustin: column 3, lines 40-50). Accordingly, the Examiner maintains that the limitation is met.

In response to applicant's arguments against the references individually (Brief of 1/12/06: page 32, lines 1-19; page 33, lines 1-19), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Cook was not relied upon to address the alleged deficiencies of the Gustin-Anderson combination, and since the Examiner has argued that the combination is proper, Cook does not need to make up for them.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Art Unit: 2621

Andy Rao
Primary Examiner
Art Unit 2621

ANDY RAO
PRIMARY EXAMINER

Conferees:

Chris Kelley
Supervisory Patent Examiner
Art Unit 2617

Mehrdad Dastouri
Supervisory Patent Examiner
Art Unit 2621

Mehrdad Dastouri
MEHRDAD DASTOURI
SUPervisory PATENT EXAMINER
TC 2600

June 12, 2006
asr

Chris Kelley
CHRIS KELLEY
SUPervisory PATENT EXAMINER
TECHNOLOGY CENTER 2600